

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TIMOTHY CLARIDY, #42901-037 *
Petitioner *
v * Civil Action No. RDB-11-1620
UNITED STATES *
Respondent *

MEMORANDUM OPINION

Pending is the Government's Motion to Dismiss Petitioner's Motion for Return of Property as moot. ECF No. 3. The self-represented Plaintiff was provided an opportunity to file a Reply but has not done so.

I. FACTS

Timothy Claryd (Claryd), a convicted defendant in criminal case RDB 07-0244, filed this motion for the return of \$7,999.00 U.S. currency seized at the time of his arrest on May 22, 2007. The property was administratively forfeited to the U.S. Drug Enforcement Administration (DEA), but the administrative judgment was set aside by this Court on June 28, 2010, when the Government could not produce proof that the DEA had properly served notice of its intention to forfeit that currency.

Claryd then filed the instant Motion for Return of Property for the \$7,999 U.S. currency, and this Court on June 20, 2011, directed the Government to respond. On July 20, 2011, the Government filed a Complaint in Support of Forfeiture of the \$ 7,999 U.S. currency in Civil Action No. RDB 11-2006. A copy of that Complaint was sent to Claryd. Per return receipt, the Government was notified that Claryd had received that notice on July 25, 2011. Per the

prescribed procedure, notice of the Government's intention to seek forfeiture of the described currency was published in the appropriate publication beginning on July 23, 2011. Claridy has failed to respond to the Government's Complaint in RDB 11-2006, and the Government states that it intends to move for default judgment in that matter. The Government moves for dismissal in the instant matter on the grounds that the forfeiture proceeding in Civil Action RDB 11-2006 moots Claridy's Motion for the Return of Property.

II. CONCLUSION

A civil forfeiture action involving a sum of money provides adequate remedy which moots the action for return of property. Accordingly, the Motion will be dismissed as moot by separate Order to follow.

March 28, 2012

Date

/s/
RICHARD B. BENNETT
UNITED STATES DISTRICT JUDGE